

REMARKS

In response to the restriction, Applicants have elected, with traverse, the invention of Group II (claims 33-43 and 91-97), drawn to a method of treating a disorder utilizing modulators of the HFE2A gene or its product, together with the sequence of SEQ ID NO: 12 and the disorder of anemia of inflammation.

Regarding SEQ ID NO: 12, Applicants traverse the election of only a single sequence and respectfully urge that the election of invention should also include SEQ ID NO: 10 and 11. These 3 amino acid sequences are all related in that they are formed by different transcripts of the basic gene. This is shown by the disclosure of the application at page 59, lines 1-12. This is also disclosed in Figure 1 and the description of Figure 1 (see page 5, lines 5-12, and page 14, lines 1-6 and table), where the gene structure is described in detail. For example, SEQ ID NO: 10 appears in SEQ ID NO: 12, starting at amino acid 227 and through to residue 426. SEQ ID NO: 11 appears in SEQ ID NO: 12, starting at amino acid residue 111 and through to residue 426 of SEQ ID NO: 12. Consequently, a search of SEQ ID NO: 12 should likewise show up proteins with similar homology to SEQ ID NO: 10 and 11, since these make up large portions of SEQ ID NO: 12 (as expected from the gene structure of Figure 1).

Regarding the election of a disease, Applicants also traverse the election presented by the Examiner. The election recited in the office action is drawn to 6 diseases, all selected from claims 41 and 43. Applicants respectfully direct the Examiner's attention to the diseases of claim 42, which, like claims 41 and 43, also depends from claim 39. Applicants believe that the diseases (anemia and anemia of chronic disease) should also be included in the election of a disease and Applicants have tentatively selected inflammatory anemia (which is synonymous with anemia of chronic disease – see application at page 26, lines 11-13). In line with this, Applicant has amended claims 42 and 96 to recite inflammatory anemia).

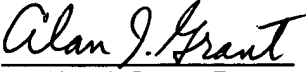
However, if the Examiner disagrees with this contention and insists on an election of one of the 6 diseases recited in the office action then Applicant elects hemochromatosis.

Applicant also elects anti-sense as the agent.

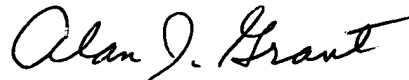
In addition, Applicant has added new claims 118-127, supported in the application as filed, especially at page 24, line 28, over to page 25, line 9, at page 26, lines 11-22, and at page 27, lines 1-10 and 20-21.

Applicants believe that the election of invention and/or species made herein is applicable to at least claims 33-35, 38-39, 42, 91-94, 96 and 118-127.

No additional fee is believed due in filing the this amendment. The Commissioner is requested to charge any additional fees, or credit any refunds, to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	
 Alan J. Grant, Esq.	<u>8/17/09</u> Date

Respectfully submitted,



Alan J. Grant, Esq.
Reg. No. 33,389

CARELLA, BYRNE BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744